

YOU AND THE DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM

1. This is a reminder that Defense contractors are required to follow the provisions of the Defense Production Act of 1950, as amended, in obtaining controlled materials and other products and materials required to complete a rated contract or order. Defense Priorities and Allocations System and all other applicable regulations and orders of the Department of Commerce implement these provisions.

2. There are two types of priority ratings: DO and DX. A priority rating consists of one of these rating symbols and a program identifier: i.e., DO-A5. The prefacing letters indicate the program is rated DO, and the A5 identifies the program in the weapons area. Program identifiers (A5, A6, etc.) do not affect the preferential status of the ratings.

3. In general, all rated orders must be filled on or before the delivery date specified in the order. If the supplier's production capability prevents this, precedence must be given as follows:

a. DX rated orders must be given precedence over DO rated orders and unrated orders. DO rated orders must be given precedence over unrated orders. All DX ratings have equal preferential status: All DO ratings have equal preferential status. A Directive Issued by Commerce takes precedence over DX and DO rated orders as well as unrated orders Previously or subsequently received unless the directive includes instructions to the contrary.

b. Should a conflict arise between rated orders of equal preferential status, precedence will be given in the order of their receipt.

c. Should a conflict arise between rated orders of equal preferential status received on the same date, precedence is given to the order having the earliest required delivery date.

4. A properly rated order must include the following:

a. The appropriate priority rating (e.g. DO-A1, DX-A4, DO-H1);

b. A required delivery date or dates. The words "immediately" or "as soon as possible" do not constitute a delivery date. A "requirements contract" bearing a priority rating may contain no specific delivery date or dates and may provide for the furnishing of items from time-to-time or within a stated period against specific purchase orders or "calls". Such "calls" must specify a required delivery date or dates and are to be considered as rated as of the date of their receipt by the supplier and not as of the date of the original "requirements contract";

c. The signature of an individual authorized to sign rated orders for the person placing the order. The signature certifies that the rated order is authorized under this regulation and that the requirements of this regulation are being followed: and

d. A statement that reads in substance:

This is a rated order certified for national defense use, and you are required to follow all the provisions of the Defense Priorities and Allocations system regulation (15 CFR 350).

5. Special Priorities Assistance:

a. The Defense Priorities System is designed to be self-executing. However, it is anticipated that from time-to-time problems occur. In this event, a person should immediately contact the appropriate contract administration officer for guidance or assistance. If additional formal aid is needed, special priorities assistance should be sought from the Delegate agency through the contract administration officer. If the Delegate Agency is unable to resolve the problem or to authorize the use of a priority rating and believes additional assistance is warranted, the Delegate Agency may forward the request to the Department of Commerce for action. Special priorities assistance is a service provided to alleviate problems that do arise.

b. Special priorities assistance can be provided for any reason in support of this regulation, such as assisting in obtaining timely deliveries of items needed to satisfy rated orders or authorizing the use of priority ratings on orders to obtain items not automatically rateable under this regulation.

c. A request for special priorities assistance or priority rating authority must be submitted on Form BIS-999 (OMB NO. 0694-0057) to the local contract administration representative. Form BIS-999 may be obtained from the Department of Commerce.

6. Assistance with matters relating to the applicability and scope of Defense Priorities and Allocation System is available by contacting the appropriate administration or procurement activity of the U.S. Army Engineer District, Alaska, P.O. Box 6898, Anchorage, Alaska 99506-6898.

7. It is recommended that contractors and their suppliers familiarize themselves with the provisions of the Defense Priorities and Allocations System; since these regulations define the contractor's rights as well as obligations.

8. Requests for copies of the regulation and explanatory information, requests for guidance or clarification, and requests for adjustment or exception shall be addressed to the Office of Strategic Industries and Economic Security, Room 3876, U.S. Department of Commerce, Washington, D. C. 20230, Ref: DPAS; telephone: (202) 482-3634 or FAX: (202) 482-5650. For further information about DPAS see the website at <http://www.bxa.doc.gov/defenseindustrialbaseprograms/OSIES/DPAS/Default.htm>.